

SNR DENTON US LLP
525 MARKET STREET, 26TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105-2708
(415) 882-5000

MICHAEL BARNES (State Bar No. 121314)
IAN R. BARKER (State Bar No. 240223)
SNR DENTON US LLP
525 Market Street, 26th Floor
San Francisco, CA 94105-2708
Telephone: (415) 882-5000
Facsimile: (415) 882-0300
Emails: michael.barnes@snrdenton.com
ian.barker@snrdenton.com

ROBERT W. HAYES (admitted *pro hac vice*)
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19107
Telephone: (215) 665-2000
Facsimile: (215) 665-2013
Email: rhayes@cozen.com

Attorneys for Plaintiff
BEL CONOR INTERNATIONAL, LTD.

TOD L. GAMLEN (State Bar No. 83458)
KEITH L. WURSTER (State Bar No. 198918)
BAKER & MCKENZIE LLP
660 Hansen Way
Palo Alto, CA 94304-1044
Telephone: (650) 856-2400
Facsimile: (650) 856-9299
Emails: tod.l.gamlen@bakernet.com
keith.l.wurster@bakernet.com

Attorneys for Defendant
SOLTA MEDICAL, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BEL CONOR INTERNATIONAL, LTD., a
foreign corporation incorporated in Hong
Kong,

Plaintiff,

vs.

SOLTA MEDICAL, INC., a Delaware
Corporation,

Defendant.

Case No. CV 09-4391-JSW

STIPULATION AND ~~PROPOSED~~ ORDER
STAYING ACTION AND CONTINUING
INITIAL CASE MANAGEMENT
CONFERENCE

Current Initial Case Management
Conference Date: December 3, 2010
Time: 1:30 p.m.
Place 9th Floor, Courtroom 11
Before: Hon. Jeffrey S. White

Pursuant to the Court's Order, dated August 31, 2010, and Civil Local Rules 6-1(b) and 6-2, the parties submit this Joint Stipulation requesting that this action remain stayed, and the parties' Initial Case Management Conference currently scheduled for December 3, 2010 be continued for approximately sixty (60) days. The parties, accordingly, by and through their respective counsel, hereby stipulate and agree to the following:

On September 17, 2009, Plaintiff Bel Conor International, Ltd. ("Bel Conor") filed a Complaint and Motion for a Preliminary Injunction against Defendant Solta Medical, Inc. ("Solta"), arising out of a dispute concerning the parties' International Distribution Agreement ("Agreement"). Bel Conor sought to obtain preliminary injunctive relief prohibiting Solta from interfering with its asserted rights under the Agreement to exclusively distribute the ThermaCool System in China, granting any other party distribution rights to the ThermaCool System in the territory and increasing the price of the ThermaCool System pending the resolution of an arbitration between the parties. In accordance with the arbitration clause in the Agreement, Bel Conor filed a Statement of Claim with the American Arbitration Association on or about September 23, 2009, seeking specific performance of the Agreement and damages.

Solta responded by filing an opposition to Bel Conor's Motion for Preliminary Injunction and a Motion to Dismiss the Complaint, disputing, among other things, Bel Conor's asserted right to exclusively distribute the "ThermaCool System" in China, the issuance of an injunction to enforce an exclusive distribution agreement under California law, as well as the general scope and character of the rights asserted by Bel Conor in the Complaint, Motion for Preliminary Injunction and notice of arbitration.

Thereafter, the parties reached an interim agreement that while in place, and is adhered to, eliminates the need for Bel Conor to obtain injunctive relief. This interim agreement was memorialized in a joint Stipulation which was filed with this Court on October 16, 2009. [Docket 28]. By way of this Stipulation, the parties agreed that Bel Conor's Motion for Preliminary Injunction and Solta's Motion to Dismiss will be taken off the Court's calendar, and this action stayed pending the resolution of the parties' arbitration proceedings. The Stipulation

1 further provided, among other things, that: (a) Solta and Bel Conor would immediately reinstate
2 the Agreement from October 14, 2009 through the date that the parties reach a negotiated
3 agreement concerning the present dispute, or the date that the parties resolve their current
4 dispute in arbitration, which ever date shall come first (hereinafter referred to as the
5 “Reinstatement Period”); and, (b) that Solta and Bel Conor will notify the Court after the
6 Reinstatement Period has ended as to whether any further proceedings are necessary in this
7 action and/or this action shall be dismissed.

8 On October 19, 2009, the Court approved and entered the parties’ Stipulation, which
9 resulted in the stay of this action pending the resolution of the parties’ arbitration proceedings or
10 further order of the Court. [Docket 29]. Thereafter, the Court ordered that the parties’ Initial
11 Case Management Conference set for January 15, 2010 be continued to March 12, 2010, and
12 that the parties submit a Joint Case Management Conference Statement by March 5, 2010.
13 [Docket 30].

14 On March 5, 2010, the parties filed a Joint Case Management Conference Statement
15 informing that there were currently no legal issues before the Court since this matter was stayed
16 pursuant to the parties’ joint Stipulation for interim relief and the arbitration proceedings
17 remained pending. [Docket 31]. Consequently, on March 8, 2010, the Court ordered that the
18 parties’ Initial Case Management Conference set for March 12, 2010 be continued to September
19 10, 2010, and that the parties submit a Joint Case Management Conference Statement on or
20 before September 3, 2010. [Docket 32].

21 On August 30, 2010, the parties submitted a second Joint Case Management Conference
22 Statement informing the Court that the arbitration proceedings remain pending and the parties
23 had reached agreement as to the material terms of a settlement, which was in the process of
24 being finalized and executed. [Docket 33]. The parties, accordingly, requested that this action
25 remain open, but stayed, until the parties have finalized the form of the settlement agreement,
26 and Arbitration is closed. [Docket 33].

On August 31, 2010, the Court entered a Case Management Order (hereinafter, "August 31st Order") continuing the parties' Initial Case Management Conference to December 3, 2010, and ordering that this matter will remain open, but stayed pending resolution of the parties' arbitration proceedings and further Order of this Court. [Docket 34]. The Court's August 31st Order further instructed that:

If there will be further proceedings in this case, the parties shall submit a further case management conference statement by no later than November 24, 2010. If, however, the parties jointly request a further continuance and stay, they need only submit a stipulation and proposed order to that effect by November 24, 2010.

[Docket 34].

The parties are still in the process of finalizing the form of the settlement agreement. The parties expect that a settlement agreement will be finalized and executed within the next sixty (60) days. Therefore, in accordance with the procedure set forth in the Court's August 31st Order, the parties stipulate, agree and jointly request that this action remain stayed until the parties have finalized the form of the settlement agreement, and Arbitration is closed. The parties further request that the parties' Initial Case Management Conference currently scheduled for December 3, 2010 be continued for approximately sixty (60) days.

Dated: November 18, 2010

Respectfully submitted,

SNR DENTON US LLP

By /s/ Ian R. Barker
IAN R. BARKER

Attorneys for Plaintiff
BEL CONOR INTERNATIONAL, LTD.

1 Dated: November 18, 2010

BAKER & McKENZIE

2
3 By /s/ Keith L. Wurster
KEITH L. WURSTER

4
5 Attorneys for Defendant
SOLTA MEDICAL, INC.

6 **ATTESTATION CLAUSE**

7 I attest under penalty of perjury that the concurrence in the filing of this document has been
8 obtained from its signatories.

9
10 Dated: November 18, 2010

11 By: /s/ Ian R. Barker
IAN R. BARKER

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SNR DENTON US LLP
525 MARKET STREET, 26TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105-2708
(415) 882-5000

PROPOSED ORDER

Pursuant to the parties' stipulation and Local Rule 6-1(b) and 6-2, it is hereby ordered that this matter will remain open, but stayed, pending resolution of the parties' arbitration proceedings and further Order of this Court. It is further hereby ordered that the Case Management Conference currently set for December 3, 2010 at 1:30 p.m. shall be continued for a period of sixty (60) days to February 11, 2011 at 1:30 p.m. A joint case management statement shall be due on or before February 4, 2011.

IT IS SO ORDERED.

Dated: November 24, 2010


Hon. Jeffrey S. White